

# House Study Bill 90

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
NATURAL RESOURCES BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to open burning of residential waste in certain  
2 areas of the state and providing penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 1245DP 83  
5 tm/nh/14

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1 1 Section 1. Section 455B.133, Code 2009, is amended by  
1 2 adding the following new subsection:  
1 3 NEW SUBSECTION. 11. a. Adopt rules to prohibit the open  
1 4 burning of residential waste within any of the following  
1 5 areas:  
1 6 (1) Beginning January 1, 2010, any city with a population  
1 7 of two thousand five hundred or more and any area within one  
1 8 quarter mile of any city with a population of two thousand  
1 9 five hundred or more.  
1 10 (2) Beginning January 1, 2011, any city with a population  
1 11 of one thousand or more and any area within one quarter mile  
1 12 of any city with a population of one thousand or more.  
1 13 (3) Beginning January 1, 2012, any city with a population  
1 14 of five hundred or more and any area within one quarter mile  
1 15 of any city with a population of five hundred or more.  
1 16 (4) Beginning January 1, 2013, any city in the state and  
1 17 any area within one quarter mile of any city in the state.  
1 18 b. The population of a city as described in this  
1 19 subsection shall be based on the most recent federal decennial  
1 20 census.

### EXPLANATION

1 22 This bill relates to open burning of residential waste in  
1 23 certain areas of the state.  
1 24 The bill requires the environmental protection commission  
1 25 to adopt administrative rules prohibiting the open burning of  
1 26 residential waste in cities and in areas within one quarter  
1 27 mile of cities. The prohibition begins on January 1, 2010, in  
1 28 cities with a population of 2,500 or more; on January 1, 2011,  
1 29 in cities with a population of 1,000 or more; on January 1,  
1 30 2012, in cities with a population of 500 or more; and on  
1 31 January 1, 2013, in all cities in the state.  
1 32 Criminal penalties provided in Code section 455B.146A are  
1 33 applicable to violations of the provisions of the bill.  
1 34 LSB 1245DP 83  
1 35 tm/nh/14